

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 897 of 2015**

- Smt. Jyotsana Chandravanshi W/o Shri Krishna Kumar Chandravanshi, Aged About 64 Years.
- Krishna Kumar Chandravanshi S/o Late Gayaram Chandravanshi, Aged About 65 Years

Both R/o 48- A, Plot No.6, Nehru Nagar (West), Bhilai, Tahsil And District Durg, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through: The District Magistrate, office At District Collectorate, Raipur, Chhattisgarh

---- Respondent

For Applicants	:	Shri N.S. Dhurandhar, Advocate
For Respondent-State	:	Shri AK Swarnakar, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****21/09/2015**

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No.30/2015, registered in Police Station-Mahila Thana Raipur, District Raipur (C.G.), for alleged commission of offence under Section 498-A/34 of the IPC.
2. Learned counsel for the applicants submits that the FIR for committing offence under Section 498-A has been lodged as an afterthought and long after the complainant left the matrimonial house and during pendency of the application under Section 9 of the Hindu Marriage Act, filed by the applicants and compromise order for grant of maintenance.

3. On the other hand learned State counsel opposes the bail application and submits that the applicants harassed the complainant and subjected her to cruelty for demand of car and cash notwithstanding pendency of civil disputes.
4. Taking into consideration that the complainant herself has stated that she left the matrimonial house on 12.09.2012 and thereafter several civil proceedings are pending between the parties and order of grant of maintenance has been passed on compromise application on 18-2-2015, I am inclined to allow the application.
5. The application is accordingly allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the arresting officer on each of them furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:
 - (i) the applicants shall make themselves available for interrogation by the police officer as and when required;
 - (ii) the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Ashu